

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

BRIGHT RESPONSE, LLC

vs.

GOOGLE INC., ET AL.

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CASE NO. 2:07-CV-371-CE

ORDER

Pending before the court is the plaintiff Bright Response's ("Bright Response") motion to preclude testimony by Dr. Edward A. Fox (Dkt. No. 492). Dr. Fox is the noninfringement expert for the defendant Google, Inc.

The court grants the request to preclude Dr. Fox from offering an opinion on the '947 patent's validity. Dr. Fox may testify that the patent uses e-mail and "non-trivial, typically multi-word texts" as examples of electronic messages, so long as he recognizes that the term is not limited to those examples. The balance of the plaintiff's motion is denied.

SIGNED this 5th day of August, 2010.


CHARLES EVERINGHAM IV
UNITED STATES MAGISTRATE JUDGE